

**DEPARTMENT OF TRADE AND INDUSTRY  
NOTICE 920 OF 2017  
INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF  
SOUTH AFRICA**

**SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON FROZEN BONE-IN  
PORTIONS OF FOWLS OF THE SPECIES *GALLUS DOMESTICUS*  
ORIGINATING IN OR IMPORTED FROM THE UNITED STATES OF AMERICA:  
FINAL DETERMINATION**

In accordance with the provisions in Article 53.1 of the Anti-Dumping Regulations, any definitive anti-dumping duty shall be terminated on a date not later than five years from its imposition, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to that date, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury to SACU industry.

On 24 June 2016 the Commission notified the SACU industry through Notice No. 365 of 2016 in Government Gazette No.40088 that unless a substantiated request is made by the SACU industry, indicating that the expiry of the anti-dumping duties on the subject product originating in the USA would likely lead to the continuation or recurrence of dumping and material injury. The relevant anti-dumping duties on the subject product originating in or imported from the USA would expire on 04 April 2017.

On 25 October 2016 the International Trade Administration Commission of South Africa (the Commission) received a sunset review application from the South African Poultry Association.

The application was lodged by the South African Poultry Association, RCL Foods Pty Ltd and AFGRI Poultry (Pty) Ltd which constitute about 71.42 percent of SACU industry production of frozen bone in chicken portions from 01 July 2015 to 30 June 2016.

The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a sunset review investigation should be initiated.

On 24 March 2017, the investigation was initiated through Notice number 207 of 2017 published in the Government Gazette No. 40717.

On initiation of the investigation, all known interested parties were informed and requested to respond to the relevant questionnaires and the non-confidential application.

A response to the importer's questionnaire was received from Merlog Foods (Pty) Ltd and was found to be deficient. Comments were received from an Association of Meat Importers and Exporters (AMIE).

No exporter's questionnaire responses were received from producers and exporters of frozen bone-in portions of fowls of the species *gallus domesticus* in the USA.

On 16 August 2017, essential facts letters were sent to the interested parties to allow comments on Commission's considerations prior to the final determination.

On 30 August 2017, comments were received from the Applicant, USA Poultry and Egg Export Council (USAPEEC), Association of Meat Importers and Exporters (AMIE) and Merlog Foods (Pty) Ltd.

After considering all interested parties comments, the dumping margin was determined based on facts available which is the information supplied by the applicant and contained in the application.

After considering all interested parties comments, the Commission made a final determination that the expiry of the anti-dumping duties on frozen bone-in portions of fowls of the species *gallus domesticus* originating in or imported from the USA would likely lead to the recurrence of dumping and continuation or recurrence of material injury to the SACU industry.

The Commission therefore made a final determination to recommend to the Minister of Trade and Industry that the anti-dumping duties on the subject product be maintained at 940c/kg for the following sub-tariff headings 0207.14.91, 0207.14.93, 0207.14.95, 0207.14.96, 0207.14.97, 0207.14.98 and 0207.14.99.

The Minister approved the Commission's recommendation. The Commission's detailed reasons for its decision are set out in Commission's Report No. 564 :Sunset review of the anti-dumping duties on frozen bone-in portions of fowls of the species *gallus domesticus* originating in or imported from the United States of America (USA): Final determination

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